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EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

3627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/923,362 | MCLENDON ET AL. | |
| | Examiner | Art Unit | |
| | Ramsey Refai | 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23,24,26,27 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) 39-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23,24,26,27,32-38,42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

Responsive to the Amendment filed on August 14, 2008. No claims have been added or amended. The Applicant is arguing the restriction of claims 39-41. In response, the Examiner asserts that claims 39-41 are species of claim 24 as explained in the previous office action. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly claims 39-41 were withdrawn as being directed to a non-elected invention. The Applicant is requested to change the status identifiers for claims 39-41 to "Withdrawn". Claims 23, 24, 26-27, 32-38, and 42-43 are pending.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.
 - In the remarks, the Applicant is merely rebutting the Examiner's position stated in the Examiner's Answer filed November 27, 2007. In response, the Examiner disagrees and maintains his position as stated in the Answer and the previous action.
 - Argument A: *Neither the data on the invoices nor the invoices of Heinemann et al are posting lines that are posed to a journal. Instead the processing of invoices in Heinemann et al relates to a stage in an accounting process, which is different than, and typically performs before the creation of posting lines*

In response, the Examiner respectfully disagrees. Page 6 of the Appellants' specification defines Postings Lines as:

[A Posting Line is the result of processing an accounting line.
A posting line comes in pairs with a debit and a credit or can be just a debit or

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a credit. Posting lines are used to update tables in budget and accounting files. Posting lines do not necessarily have to be written to any accounting files.]

Examiner disagrees with the Appellant's argument that Heinemann's invoices are not posting lines. Heinemann's invoices, which contain invoice detail lines (**see column 4, line 61**) and a debit or credit amount, are used to update a budget and accounting files (**see column 1, lines 14-25, column 5, lines 54-65, column 6, lines 28-37, column 9, lines 49-52**). The invoices therefore meet the limitation of posting line as defined by the Appellant's specification and therefore meet the scope of the claimed limitation.

- Argument B: *Heinemann et al does not disclose or suggest that stored posting lines are viewed by a person and that corrections are made to the viewed posting lines via a computer by the person viewing the posting lines as recited.*

In response, the Examiner respectfully disagrees. Heinemann et al discloses that a billable party 32 may choose to evaluate the invoices which have passed the automatic comparisons before approving payment, once the billable party is accustomed to and comfortable with the host system 10, the billable party utilizes the automatic payment of the host system elimination time consuming and costly human intervention (**see column 9, lines 49-60**). Heinemann et al further teaches that billing party 30 can evaluate invoices and determine whether to approve the invoice using an on-line report system (**column 9, lines 10-24**). The billing party and billable party can make corrections to the invoices (**column 9, lines 1-10 and 29-39**). It is further noted that Heinemann et al defines the term "billing party" to include a law firm, company, or legal service providers and the term "billable party" to include a company or individual (**see column 3, lines 57-67**). Heinemann et al therefore meets the scope of the claimed feature of posting

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lines are viewed by a person and that corrections are made to the viewed posting lines via a computer by the person viewing the posting lines.

- Argument C: Heinemann et al does not disclose or suggest that *respective stored posting lines are marked by a person via a computer* so that the posting lines which are marked by the person are stored and posting lines which are not marked by the person are stored.

In response, the Examiner respectfully disagrees. First of all, **the Appellants' specification fails to describe the marking of posting lines by a person via a computer.** It is therefore unclear who the person is, what is being marked, and how the person is marking using the computer. Secondly, **Heinemann et al is not relied upon to disclose the marking of respective stored posting lines by a person via a computer.** Rather this is taught by Marks in column 11, lines 4-15. Therefore the argument is rendered moot since Marks and not Heinemann et al is relied upon to disclose this feature.

Marks does not disclose that *the posting lines which are marked by the person are stored and posting lines which are not marked by the person are stored*. However, Heinemann et al discloses that the billable party 32 can view the invoices (**column 9, lines 10-25 and 49-60**) as well as the billing party 30 who can also correct and resubmit the invoices (**column 9, lines 1-10, column 9, lines 34-39, column 7, lines 49-53**). Corrections can be made and invoices, which have invoice detail lines, see column 4, line 60, are marked using an additional code. Invoices that are marked are stored along with invoices that are passed without error (unmarked) (**see column 7, lines 44-57**). Therefore Heinemann et al meet the scope of the claimed limitation.

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- Argument D: *Heinemann et al does not disclose or suggest that stored posting lines are selected in accordance with said markings and that the selected posting lines are posted to a journal by a computer.*

In response, the Examiner notes that Marks and not Heinemann et al was relied upon to disclose this feature (see Marks, column 6, lines 15-60, fig 1, column 11, lines 4-14).

- Argument E: *The unique transaction code of Heinemann et al is not assigned by a person and does not disclose "marking posting lines".*

In response, the Examiner notes that Marks and not Heinemann et al was relied upon to disclose the marking of posting lines. See Marks, column 11, lines 4-15.

- Argument F: *Marks and Heinemann et al should not be combined since the references relate to different stages of the accounting process.*

In response, the Examiner respectfully disagrees. Both Marks and Heinemann et al are directed to accounting processes and methods of recordkeeping. Whether the references are directed to different stages, as alleged by the Appellant, is unrelated to whether the references meet the limitations of the claims. Furthermore, the claim language has not limited the invention to a particular stage or end of an accounting process.

- Argument G: *Marks fails to disclose "continuing to store posting lines in the catalog after being posted".*

In response, the Examiner respectfully disagrees. **The Appellant's specification fails to describe the limitation *continuing to store posting lines in the catalog after being posted*.**

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Therefore, the recitation of continuing to store posting lines is read simply as the next invoice that is treated thus the process is deemed "continuing" in that it is not a one time operation.

- Argument H: *Marks fails to disclose that respective posted posting lines in the catalog are marked after being posted to indicate the respective posting lines have been posted.*

In response, the Examiner notes that Official Notice was taken of the old accounting practice of marking respective posted posting lines in the catalog after being posted as being posted by there very existence in the catalog. This feature is taken as admitted prior art because Appellant has failed to traverse the examiner's assertion of official notice.

MPEP sec. 2144.03c:

"If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate."

- Argument I: *Marks fails to disclose that posting the selected posting lines to a budget file by a computer to thereby create budget entries.*

In response, the Examiner respectfully disagrees. The Appellant's reliance of the word "budget" vastly over speaks to the scope of the myriad of interpretations, which the word connotes. Budget is read as the overall financial plan in Marks.

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- Argument J: Marks fails to disclose selecting additional posting lines stored in the catalog other than posting lines selected and posted to said respective journal and posting the selected additional posting lines to a different journal.

In response, the Examiner notes that Official Notes was taken of double journal entries. This feature is taken as admitted prior art because Appellant has failed to traverse the Examiner's assertion of Official Notice, MPEP sec. 2144.03c.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 24, 26, 27, 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Heinemann et al 6,882,986.

4. As per claims 23/27 Marks discloses a method/system for entering information on accounting lines by a person using a computer (**col. 4, lines 15-18, col.6, lines 15-60, TT1-TT11**), the information entered on each accounting line relating to accounting activities and including an amount (**TT2, col. 6, lns 15-60**); processing the information entered on the accounting lines (**col. 4, lines 15-18**) by a computer to create posting lines (**temp file records**), each posting line including a debit, a credit or a debit/credit pair (**see TT4**) relating to a respective amount included in information entered on a respective accounting line; storing the created posting lines in an electronic catalog by a computer (**file 28 fig. 1**); marking respective

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posting lines stored in the catalog by a person via a computer (**col. 11 lines 4-15 - It is noted that Marks automatically checks for posting lines (temp. file records) that are ready to post to the journal by verifying the debits and credits balance**) selecting posting lines stored in the catalog (**file 28**) by a computer in accordance with said marking ; posting the selected posting lines to a journal by a computer, to thereby create journal entries (**permanent transaction journal 30**); and posting the journal entries (**30**) to a ledger (**control general ledger 22**) by a computer.

However, Marks fails to disclose viewing posting lines stored in the catalog by a person via a computer, making corrections to the viewed posting lines and storing the corrected posting lines in the catalog by a computer: and marking so that the catalog thereby includes stored posting lines which are marked by the person and stored posting lines which are not marked.

But, Heinemann et al. disclose at **col. 9 lines 49 - 51** disclose viewing posting lines (**e.g invoices have plural lines which are each reviewed**) and corrections can be made by the view (**part of the evaluation process for approval**) corrected lines (**invoices**) are marked using an additional two digit code **col. 7 lines 52** et seq. which is stored along with codes not having such indicia if the invoice lines are passed without error. It would be obvious to modify the method/system of Marks with the manual correction feature and the marked /not marked indicia of Heinemann the motivation being the human correction factor and the ability to see what posting were subject to change.

5. As per claim 24. It is noted that Marks automatically checks for posting lines (**temp. file records**) that are ready to post to the journal by verifying the debits and credits balance. Once the computer verifies that the debits and credits are balanced, then posting lines to a journal (**temp. file records**) are posted. However, Marks fails to disclose a person marking a posting

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line to indicate if it is ready to post. Marks notes in the Background section of his disclosure that accounting recording keeping can be performed manually (**see columns 1 and 2**). Mark's claimed system utilizes a computer to automate certain aspects of the recording keeping process while leaving other aspects (**such as inputting transaction data; see column 4, lines 15-18**) to a person for manual processing. The Examiner concludes that it would be obvious to one of ordinary skill in the art at the time the invention was made for a person to manually mark the posting lines to indicate they are ready to be posted by manually checking that the debits and credits balance in place of the automatic system, because manual checking, while slower, may be used to spot accounting errors not originally programmed into the computer system.

6. As per claim 26: Marks respective posting lines to indicate whether the respective posting lines are ready to post is met by the additional code placed along side the ID as discussed above.

7. As per claims 32, 36: The system in Marks is a continuing posting apparatus/process.

8. As per claim 33: updating a flag corresponding to each marked posting line, the updated flag thereby indicate that the posting line was marked (read as the resubmitted invoice number with the additional two digits indicating posting line was marked, the indicia of the, wherein said selecting selects posting lines having updated flags indicating that the post lines were marked) occurs when resubmitted invoice is corrected to overcome the error for which it was rejected.

9. As per claim 34: whether posting are to actual disbursements or a budget file is a matter of design choice governed by application not invention.

10. As per claim 35: Official Notice is taken of the old practice of two journal entries in account practice. No challenge as provided by MPEP sec. 2144.03c was advanced, and **hence was made final**.

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11. As per claim 37: In both Marks and Heinemann et al. corrections are made to the viewed posting lines not requiring the user to refer back to accounting lines.

12. As per claim 38: Official Notice is taken of the old accounting practice of marking respective posted posting lines in the catalog after being posted as being posted by there very existence in the catalog. No challenge as provided by MPEP sec. 2144.03c was advanced, and **hence was made final.**

13. As per claim 42, Marks-Heinemann teach entering a modification to an existing accounting line by a person using a computer; and automatically computing adjustments required by the entered modification according to information in the stored posting lines **(Heinemann et al. disclose at col. 9 lines 49 - 51 disclose viewing posting lines (e.g invoices have plural lines which are each reviewed) and corrections can be made by the view (part of the evaluation process for approval)).**

14. As per claim 43, Marks-Heinemann teach selecting a respective posting line for updating based on information available on the posting line; and updating the respective posting line that was selected for updating **(Heinemann et al. disclose at col. 9 lines 49 - 51 disclose viewing posting lines (e.g. invoices have plural lines which are each reviewed) and corrections can be made by the view (part of the evaluation process for approval)).**

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
November 28, 2008
/R. R./
Examiner, Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627